

remote from the terminal 100. His Figure 1 shows the receipt generator 820, printing receipt 830. (See column 28, lines 43 - 59.)

Also, in column 47, lines 24 - 26, he discusses printing of an "acknowledgement," using printer 3396 in Figure 23.

Therefore, Ziarno clearly states that

(1) the printing of receipts is done by stationary devices and

(2) these stationary devices are remote<sup>1</sup> from his terminals 100, and not part of those terminals.

Consequently, the Office Action's suggestion of adding a printer to Ziarno's terminal 100 is a modification of Ziarno. MPEP § 2143.01, last paragraph, states:

If the proposed modification or combination of the prior art would **change the principle of operation of the prior art invention** being modified, then the teachings of the references are not sufficient to render the claims prima facie obvious.

It is a modification because Ziarno already shows printing of receipts, and that printing is done by stationary printers, which are separate from his terminals 100.

In addition, the rationale given by the Office Action does not

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<sup>1</sup> See column 99, lines 24 - 28, which refer to Figure 23: "The system comprises a plurality of portable self-powered contributions or gifts management terminals [100] dispersed among a plurality of prospective contributors . . . at remote locations." Figure 23 shows these terminals 100 as separate, and remote, from printer 3396.

lead to adding a printer to Ziarno's terminal. The rationale is this:

Since Ziarno is interested in keeping . . . [records] for tax-filing purposes, it would have been obvious to incorporate a printer for printing receipts.  
(Office Action, page 3.)

However, Ziarno already "incorporates a printer," as just explained above. His printer is stationary, and remote from the terminals 100.

Since Ziarno already shows printers which fulfill the goal set forth by this rationale, there is no reason to add additional printers, nor to make them part of the terminals 100.

Therefore, Applicant submits that addition of a printer to Ziarno's terminals 100 is not obvious.

### Claim 3

Claim 3 recites:

3. (Amended once.) Terminal according to claim 1, and further comprising:

f) means for transmitting a code which identifies said terminal to said base station.

The Office Action has failed to identify the "means" recited in claim 3. The Office Action merely relies on a "necessity" that such a code be used, the "necessity" resulting from the use of multiple terminals 100 in Ziarno. This reliance is misplaced, for several reasons.

One is that no explanation why this "necessity" arises has been given. An explanation is required. A naked conclusion of "necessity" is insufficient.

A second reason is that situations can be readily envisioned where no "necessity" exists. For example, each of Ziarno's terminals 100 can be allotted times when it is allowed to transmit. Each terminal will transmit only during those allotted times. Therefore, the **time-of-day** when a transmission is received identifies the terminal making the transmission. A "code" is not required. No "necessity" exists.

As a second example, each terminal 100 can be assigned a code, like a cellular telephone number. But that code is not transmitted by the terminal. Instead, Ziarno's computer (not labeled) in his Figure 3 "calls" each terminal periodically, and transmits the terminal's code. Only the terminal whose code is transmitted responds to the computer. Clearly, with this arrangement, the computer knows which terminal 100 it is communicating with, at any given time, without that terminal 100 transmitting a code.

The two preceding examples showed how Ziarno's computer can ascertain the identity of a terminal 100, without transmission of a code by the terminal. However, returning to the "necessity" mentioned above, Applicant fails to see the necessity for such knowledge.

For example, it is clear that Ziarno's computer in his Figure 3 can speak with only **ONE** terminal at a time. If the PTO disagrees, Applicant requests that the PTO show, in Ziarno, how

communication with more than one terminal 100 is accomplished.

That one terminal can simply download data, which is inserted into a database stored by a main computer. In essence, the downloaded data contains many pairs of data, each pair including (1) a dollar amount and (2) a credit card number. Since no two credit card numbers will be alike, simply compiling all (1) dollar amounts and their (2) respective credit card numbers is all that is required.<sup>2</sup> There is no reason that each terminal 100 identify itself.<sup>3</sup>

Therefore, Applicant has shown examples of how terminals can be identified without transmitting a code. Applicant has shown why this identification is not even necessary, which is consistent with the fact that the PTO has not shown where Ziarno discusses such identification. Consequently, there is no automatic assumption that the recitations of claim 3 are inherent, or, of "necessity," implied by Ziarno.

Finally, Applicant asks, what would Ziarno obtain by having each terminal 100 identify itself? That is, if the "necessity" exists, what does Ziarno do with the "necessary" information transmitted, and where does he discuss this?

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<sup>2</sup> If a given person made two contributions, to two different terminals 100, the system would be designed to record both. That is, when an entry is inserted into the database, it does not overwrite existing data.

<sup>3</sup> See column 42, lines 8 - 11.

Claim 5

Claim 5 recites, in part:

5. A system, located within a building, comprising:

a) multiple base stations, each  
linkable to a respective dedicated  
telephone channel;

. . .

The Office Action has not identified (1) the multiple base stations nor (2) a link for each to a "respective dedicated telephone channel." In all Figures, where Ziarno shows what could be called a "base station," only a **single** base station is found. For example:

Figure 1 shows a single computer 120.

Figures 2 and 3 show single computers.

Figures 13 - 16 each show a single computer.

And Figure 23 shows multiple terminals 100, communicating with a **single** computer 3397.

Claim 5 recites **multiple** base stations.

Further, claim 5 recites that **each** base station is "linkable to a respective . . . telephone channel." Since claim 5 recites "multiple" base stations, "multiple" telephone channels must also be shown. But Ziarno does not show this.

MPEP 2143.03 states:

To establish prima facie obviousness . . . **all the claim limitations** must be taught or suggested by the prior art.

Applicant requests, under 37 CFR §§ 1.104(b) and 1.106(b) and 35 U.S.C. § 132, that the PTO specifically identify, in Ziarno, the two recitations of claim 5(a) identified above, namely, (1) the multiple base stations and (2) the multiple telephone channels, each leading to a base station.

#### Claim 8

Claim 8 has been amended to state that the "wireless terminal" prints a receipt. As explained above, this is contrary to Ziarno. Ziarno uses stationary printers, which are remote from his wireless terminals.

#### Claim 9

Claim 9 recites, in part:

9. A credit card verification device, comprising:

. . . .

c) means for indicating to said customer whether said verification service accepts said amount.

Applicant cannot find where Ziarno shows this, and requests that the PTO identify this recitation in Ziarno.

Further, three factors militate against assuming that Ziarno shows this. The first is that Ziarno shows a device for accepting charitable contributions. The contributor receives nothing of value in exchange for the contribution. Thus, no reason exists for informing the contributor (or "customer" in the language of claim

9) whether the contribution has been verified by a credit card service.

The second factor is consistent with the first. In operation, Ziarno collects all the contributions from the contributors and, later, verifies them with a credit card service. At that time, non-authorized contributions are discarded. (See column 14, top.)

The third factor is consistent with the first two. Ziarno speaks of terminals 100 being "off-line." (Column 12, first full paragraph.) In this connection, he states:

The . . . terminal 100 . . . does not  
interpose a request . . . for . . .  
verification. (Column 12, lines 14 - 17. See  
also column 12, lines 30 - 38.)

Therefore, Ziarno specifically states that his terminal does not seek verification. That teaches against claim 9.

Applicant requests that the PTO show, in Ziarno, (1) verification as in claim 9 and (2) indicating to the customer the result of the verification, as in claim 9.

#### Claim 11

Claim 11 depends on claim 8, and recites that the data is carried, at least in part, by an ATM network. The Specification, page 8, "Additional Consideration" number 1, explains some features of an ATM network.

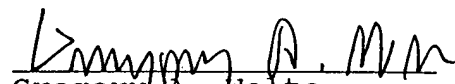
Applicant cannot locate such data transmission in Ziarno, and requests that it be identified.

### Conclusion

Applicant requests that the rejections to the claims be reconsidered and withdrawn.

Applicant expresses thanks to the Examiner for the careful attention given to this case.

Respectfully submitted,

  
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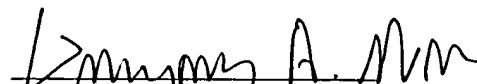
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CERTIFICATE OF MAILING

I certify that the documents contained herewith are addressed to the Commissioner of Patents and Trademarks, Washington, D.C., 20231, and will be deposited with the U.S. Postal Service, first class postage prepaid, on August 3, 1998.

  
Gregory A. Welte